

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

RUFUS IDOWU,

No. C 10-02672 LB

Plaintiff,

v.

**ORDER CONTINUING HEARING;
ORDER RE SERVICE OF PROCESS
ON REMAINING DEFENDANTS**

WESLEY ASTHEIMER, *et al.*,

Defendants.

On June 18, 2010, Plaintiff filed this lawsuit against Defendants Wesley Atheimer, Asset Recovery, and YRC, Inc. *See* Complaint, ECF No. 1. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff has 120 days to serve all defendants with a summons and his Amended Complaint. While YRC has appeared in this case and has filed a motion to dismiss, Defendants Wesley Atheimer and Asset Recovery has not appeared, and Plaintiff has not filed proofs of service indicating that he has completed service of process on them. Accordingly, to allow Plaintiff sufficient time to complete service on the remaining defendants, and to ensure that all defendants have an opportunity to respond to Plaintiff's Amended Complaint and that any challenges to Plaintiff's Amended Complaint are addressed together, the Court sets the following deadlines.

If Plaintiff has served Defendants Wesley Atheimer and Asset Recovery, or these defendants have agreed to waive service, Plaintiff shall immediately file proofs of service showing when and how service was completed or waivers of service completed by the defendants. If, however, Plaintiff has not served those defendants, Plaintiff shall complete service of process on them by

1 October 16, 2010. When Plaintiff completes service, he shall immediately file proofs of service with
2 the Court. Additionally, Plaintiff shall serve along with the summons and amended complaint a
3 copy of the Court's Order Directing Parties to File Consent or Decline Form, attached to this order.

4 The Court **VACATES** the September 16, 2010 hearing on YRC's motion to dismiss and **RE-**
5 **SETS** the hearing for November 4, 2010 at 11:00 a.m. Additionally, the Court **VACATES** the Case
6 Management Conference set for October 7, 2010.

7 **IT IS SO ORDERED.**

8 Dated: September 2, 2010



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10 LAUREL BEELER
11 United States Magistrate Judge
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